THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO.577 of 2006

-

6th January 2006

Between:

M/s ELICO Limited, B-90, APIE, Balanagar, Hyderabad-500018,
rep by its Manager (HR) Mr.I.V.S.Ranganath.

...PETITIONER

AND

1 Employees Provident Fund Organisation, Sub Accounts Office, Balaji Nagar, Kukatpally, Hyderabad rep by Assistant Provident

Fund Commissioner.
2 The Recovery Officer, Employees Provident Fund organisation,

Sub Accounts Office, Balaji Nagar, Kukatpally, Hyderabad rep

by Assistant Provident Fund Commissioner.
3 Employees Provident Fund Appellate Tribunal No.60,

Skylark Buildings, 7th Floor Nehru Plance, New Delhi.

...RESPONDENTS

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO.577 of 2006

ORDER:

The petitioner questions the order dated 21.12.2005 made under Section 7-Q and 14-B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 ('the Act' for brevity) imposing penal damages and interest. The petitioner filed an appeal before the Employees' Provident Fund Appellate Tribunal, New Delhi on 30.11.2005, which is numbered as Appeal No.966 (1) of 2005 against the prohibitory orders dated 03.11.2005. As there is no Presiding Officer, the order could not be obtained.

In a similar case, the Division Bench of this Court delivered the following judgment in W.A.No.1880 of 2003:

> "Having regard to the facts and circumstances of the case, we direct the respondents not to take any coercive steps against the appellant for realization of the amounts pursuant to the impugned order dated 07.07.2003 subject to the condition of the appellant herein depositing 50% of the amount demanded within four weeks from today, failing of which, this writ appeal shall stands dismissed.
>
> The appellant shall produce copy of the proceedings evidencing the deposit of 50% of the amount before the Tribunal and the Tribunal thereafter shall take up the hearing of the appeal for its disposal on merits.
>
> The Writ Appeal is accordingly disposed of modifying the orders passed by

the learned Single Judge. No costs."

Following the above judgment, the Writ Petition is disposed of directing the respondents not to take any coercive steps against the petitioner for realization of the amounts pursuant to the impugned order dated 21.12.2005, subject to the condition of the petitioner herein depositing 50% of the amount demanded within four weeks from today and producing the proof of deposit along with the appeal to be filed. On depositing 50% of the demanded amount and on filing the appeal, the Tribunal shall take up the hearing of the appeal and dispose of the same on merits. No costs.

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(V.ESWARAIAH, J)

6th January 2006

Shr/RRB